

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF TENNESSEE  
WESTERN DIVISION

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LYNN MARIE POLINSKI,	)	
	)	
Plaintiff,	)	
	)	
v.	)	No. 04-2912 M1/P
	)	
SARA LEE CORPORATION/JIMMY	)	
DEAN FOODS,	)	
	)	
Defendant.	)	
	)	

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ORDER GRANTING DEFENDANT'S MOTION FOR DEFAULT  
JUDGMENT OR DISMISSAL WITH PREJUDICE

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Before the Court is Defendant's Motion for Default Judgment or Dismissal with Prejudice, filed March 22, 2006. Plaintiff has not filed a response.

Defendant moves this Court to dismiss this case pursuant to Federal Rule of Civil Procedure 37(d), which provides, in pertinent part:

If a party . . . fails . . . to appear before the officer who is to take the deposition, after being served with a proper notice, . . . the court in which the action is pending on motion may make such orders in regard to the failure as are just, and among others it may take any action authorized under subparagraphs (A), (B), and (C) of subdivision (b)(2) of this rule.

Fed. R. Civ. P. 37(d). Rule 37(b)(2)(C), in turn, provides that the court may dismiss the action or render a judgment by default against a party who fails to attend his or her own deposition.

Fed. R. Civ. P. 37(b)(2)(C).

Good cause having been shown, the Court GRANTS Defendant's motion for a default judgment and DISMISSES this case with prejudice.

So ORDERED this 14th day of April, 2006.

/s/ Jon P. McCalla  
JON P. McCALLA  
UNITED STATES DISTRICT JUDGE